

# ***DRAFT* SIGNIFICANT LEGISLATIVE RULES ANALYSIS**

## ***For Rules Concerning Transient Accommodations***

### **Chapter 246-360 WAC**

#### **Briefly describe the proposed rule.**

The proposed rule outlines the minimum public health and safety standards for the licensure and operation of transient accommodations in Washington State.

#### Minor changes:

- Condense and clarify wording, grammar, structure, and formatting.
- Clarify requirements for licensing, reporting, documentation, and compliance.
- Remove issues unrelated to public health.
- Update terminology to reflect current usage.
- Provide a quick reference guide for rustic resorts.

#### Changes likely to ease requirements:

- Reflect the National Fire Association Life Safety Code (WAC 212-12-010(3)) by describing required aisle width of thirty-six inches from one side of a bed that is part of the regular furnishings of the unit, or less for temporary beds or temporary cribs.
- Reduce the change of linen to weekly or as needed by guest to reflect current industry practice; currently, licensees must wash linens twice a week.
- Maintain light intensities adequate for safety; currently, there are minimum light intensities for lodging facilities.
- Provide clean replacement pillowcases and sheets at least weekly or as requested by a guest; current language requires licensees to clean pillowcases and sheets at least twice a week for guests staying longer than three days.
- Allow licensees to clean and sanitize ice machines in accordance with manufacturer's instructions.
- Allow licensees to wash and sanitize laundry in accordance with the washer manufacturer's recommendations and detergent and sanitizer instructions.
- Permit the use of air-drying as an option for drying laundry items.

#### Changes with the potential to impose additional requirements:

- Require a written basic emergency preparedness plan.
- Maintain documentation of an on-going annual (or as needed) training procedure for implementing the emergency preparedness plan.
- Require that any phone or communication devices provided to a unit be capable of communication to police, fire department, paramedic, poison control, hazardous material team, or other local emergency responder without delay. Under current practice, most or all phones and communication devices are connected to such services.

- Require the occupancy level of a lodging unit to be limited to the number of persons accommodated by the beds present, based on their intended maximum usage; the current rule defines a minimum of fifty square feet of total floor area per guest.
- Require lodging unit licensees to assure that bunk beds, if used, have sufficient unobstructed vertical space so that an adult may sit up comfortably between the bottom and top bunk, or between the top bunk and the ceiling; currently, licensees must maintain a vertical space of at least twenty-seven inches between the bottom bunk and top bunk.
- Provide slip resistant appliqués, mats, or other devices in bathtubs and/or showers.
- Require licensees to replace all carpets located in kitchens with cleanable, durable floor covering in good condition by October 31, 2005.
- Require all air filters to be cleaned or replaced regularly or as needed.
- Provide additional light for tasks or general illumination upon request from a guest.
- Provide emergency lighting to guests in the event of a power outage.
- Ensure that blankets, bedspreads, and mattress pads are cleaned regularly or more often when visibly soiled.
- Ensure that dryer lint screens are cleaned daily during normal operation or as needed.
- Require all laundry room flooring to be uncarpeted and covered with an easily cleanable floor covering by October 31, 2005.
- Eliminate all known environmental health and safety hazards in and around the facility, including hazards resulting from fire, natural or other disasters, and chemical or biological contamination. The presence of any hazard must be fully eliminated prior to re-occupancy of any affected area or living unit. When a hazard is confirmed, approval from any and all appropriate local authorities is required prior to re-occupancy.
- Require that doors providing access to a lodging unit be equipped with a suitable locking security device in compliance with applicable building and fire codes.
- Require that licensees with spas, pools, and/or hot tubs have available for review a copy of a current recreational water permit issued by the local health jurisdiction.

Other changes:

- Outline how DOH will proceed in case of deficiencies at a facility.
- Require the transient accommodation licensee to check key components in the fire code because fire safety inspections are not uniformly available statewide. The surveyor would refer problem facilities to the appropriate fire jurisdiction.

### **Is a Significant Analysis required for this rule?**

Yes, portions of this rule require a significant analysis. However, DOH has determined that no significant analysis is required for the following changes:

Amendments to WAC 246-360-001 through WAC 246-360-080 and WAC 246-360-500 are for clarification and housekeeping (excluding WAC 246-360-030 (1)(h)(i), WAC 246-360-035 (2)(e), WAC 246-360-035 (3), and WAC 246-360-070 (3)(b)).

Amendments to WAC 246-360-140, WAC 246-360-220, and WAC 246-360-230 adopt current state law.

The remainder of this document will focus on those portions of the rule that do require a significant analysis.

**A. Clearly state in detail the general goals and specific objectives of the statute that the rule implements.**

Under RCW 70.62.240, the Washington State Board of Health is empowered to adopt rules as necessary to assure that each transient accommodation will be operated and maintained in a manner consistent with the health and safety of the members of the public using such facilities. Under RCW 70.62.250, DOH can administer and enforce these adopted rules.

**B. Determine that the rule is needed to achieve these goals and objectives, and analyze alternatives to rulemaking and the consequences of not adopting the rule.**

Because enforcement is required, rule amendment is the only method to revise the current rights and responsibilities of transient accommodation licensees. Standards of practice for licensees are insufficient because they lack the enforcement of a rule amendment.

**C. Determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented.**

The portions of the rule that are significant are analyzed in the list below. As discussed above, other portions of the rule are not significant and are therefore not included in this analysis.

*1. Emergency Preparedness Plan and Training (WAC 246-360-030 (1)(h)(i))*

Description: Facilities are not currently required to have an emergency preparedness plan or annual emergency response training. Under the proposed rule, the licensee must have a written basic emergency preparedness plan in the event of fire, power failure, facility problem, or natural or other disaster. Emergency response training must be conducted and documented annually or more often as needed.

Analysis: The associated costs are the time and resources needed to generate and maintain the written basic emergency preparedness plan. The licensee must also conduct training and document this training. The nature of the emergency response plan will depend on the size of the transient accommodation. For example, a five-story transient accommodation emergency response plan will be more complex than a one-story, four-unit transient accommodation.

DOH estimates (from phone conversations with the Washington State Hotel and Lodging Association) that a basic plan for a median transient accommodation will take 30 hours to complete by a manager at an estimated hourly wage of \$37 for \$1,110 in total costs. For the

training of transient accommodation employees, the initial time of 10 hours will cost \$370. The total first time cost to generate the emergency plan is therefore \$1,480. The annual cost to update the plan and maintain employee training is estimated to be 30 hours at a cost of \$1,110 per year. This includes updating the telephone and key person lists and assignments, training personnel, and attending to any unforeseen change.

DOH estimates the cost for generating an emergency preparedness plan and training for a small four-unit one-story facility would be about \$740. On the other hand, a large transient accommodation (fifty units or more) would be more complex. However, a larger transient accommodation would already have emergency information in each room and emergency lighting installed as part of life safety requirements for the local Certificate of Occupancy. The additional cost for generating an emergency preparedness plan and training for a 50-unit facility is about \$2,700.

The benefit of having an emergency preparedness plan is increased emergency preparedness. Emergency preparedness makes certain the safety and health of lodging guests are recognized and addressed in emergency situations. These qualitative benefits outweigh the costs associated with having an emergency preparedness plan.

## *2. Providing Slip Resistant Appliqués, Mats, or Other Devices (WAC 246-360-100 (5))*

Description: Slip resistant appliqués, mats, or similar devices currently are not required in transient accommodation bathrooms. Under the proposed rule, slip resistant appliqués, mats, or similar devices will be required in each bathroom.

Analysis: A DOH survey found each appliqué to cost \$2.00 and each mat to cost \$5.00; labor costs for installation would be minor. Total costs per facility depend on the number of bathrooms in each facility. Costs for a small 4-unit facility would be approximately \$20 while costs in a large 50-unit facility would be approximately \$250.

The proposed rule decreases the risk of injury in bathrooms and seeks to protect transient accommodation guests. The proposed rule is necessary to ensure the safety of guests in transient accommodation bathrooms. These benefits outweigh the cost of purchasing the mentioned items for each bathroom.

## *3. Providing an Adequate Supply of Clean Towels, Washcloths, and Floor Mats (WAC 246-360-100 (12)).*

Description: The current rule requires licensees to provide clean towels, washcloths, and floor mats. Under the proposed rule, licensees must ensure that these items are available in adequate supplies for transient accommodation guest use.

Analysis: The cost to affected industries is the potential purchase of clean towels, washcloths, and floor mats. DOH assumes most transient accommodations have sufficient supplies of each item; however no current rule requires each accommodation to make available adequate supplies.

Members of the public using transient accommodations will benefit from the proposed rule. The proposed rule ensures that additional towels, washcloths, and floor mats will be available for guests in the event that they require additional supplies. Adequate supplies help maintain public health standards and proper hygiene among transient accommodation guests. These benefits outweigh the potential cost of purchasing towels, washcloths, and floor mats.

*4. Washing Towels, Washcloths, Floor Mats, Pillowcases, and Sheets (WAC 246-360-100 (12) (b) and WAC 246-360-150 (7))*

Description: Facilities are currently required to wash linens twice a week. Under the proposed rule, facilities will be required to wash linens once a week or as requested by the guest.

Analysis: This rule change is likely to reduce costs for affected businesses. There is minimal public health danger from washing linens once a week (which is current industry practice) instead of twice a week, and this reduction in requirements will reduce costs for facilities. Guests who prefer to have clean linens more often than once a week (or even more often than twice a week) can request as much, so the rule provides benefits to them as well.

*5. Replacing Carpet Flooring in Kitchens (WAC 246-360-110 (2) (a))*

Description: Effective October 31, 2005, carpets will not be considered appropriate floor covering in lodging unit kitchens.

Analysis: The associated costs stem from the replacement of the carpet flooring with a cleanable, durable floor covering. A DOH survey found the average kitchen to be 100 square feet in both small and large businesses. The time to remove the carpet from the 100 square feet and install cleanable, durable floor covering is 8 hours for one person. At an hourly wage of \$25 per hour, the total labor cost will therefore be \$200. Also, the cleanable, durable flooring in good condition will cost \$15 a square yard, or \$167 for 100 square feet. Combining these costs with removal costs yields a total of \$367 per kitchen floor replacement. (Total costs per facility would depend on the number of kitchens in each facility.) These costs will be partly mitigated by the lower maintenance costs associated with using a cleanable floor covering instead of carpet.

Under the proposed rule, transient accommodations will more effectively protect the health of their guests. The public health concerns with carpet in the kitchen are:

- Hard to clean when food spills on the carpet
- Liquid spills or dishwasher overflows promote damp conditions that foster mold growth.

It is basic environmental health practice not to have carpet in kitchens. An easily cleanable floor covering cannot harbor unhealthy bacteria and/or microbes that could potentially risk the health of transient accommodation guests. The proposed rule ensures that this public health danger will not occur. This benefit outweighs the cost of replacing carpet flooring in lodging unit kitchens.

#### *6. Replacing Carpet Flooring in Laundry Rooms (WAC 246-360-180 (6))*

Description: Effective October 31, 2005, laundry room flooring must be uncarpeted and covered with a cleanable floor covering.

Analysis: The associated costs stem from the replacement of the carpet flooring with a cleanable, durable floor covering. A DOH survey found the average laundry facility to cover 250 square feet in both small and large businesses. The time to remove the carpet from the 250 square feet and install cleanable, durable floor covering is 20 hours for one person. The estimated hourly wage to accomplish the task is \$25 per hour. The total cost of labor for 250 square feet of laundry facility floor is \$500. Also, the cleanable, durable flooring will cost an estimated \$15 per square yard. The cost for 250 square feet is \$417 to the lodging unit licensee. The total cost of compliance per laundry facility floor replacement is \$917. (Total costs per facility would depend on the number and size of laundries in each facility.) These costs will be partly mitigated by the lower maintenance costs associated with using a cleanable floor covering instead of carpet.

Under the proposed rule, transient accommodations will more effectively protect the health of their guests. The public health concern with carpet in laundry rooms is that washers may overflow, thereby creating a potential electrical hazard and damp conditions that would foster mold growth. An easily cleanable floor covering cannot harbor unhealthy bacteria and/or microbes that could potentially risk the health of transient accommodation guests. This benefit outweighs the cost of replacing carpet flooring in laundry room facilities.

#### *7. Replacing and Cleaning Air Filters (WAC 246-360-120 (3))*

Description: No current rule requires air filters to be cleaned or replaced in transient accommodations. Under the proposed rule, transient accommodation licensees are required to clean or replace all air filters regularly or as needed.

Analysis: The associated costs are the purchase of new air filters and the labor to replace and clean each air filter. A DOH survey found the cost of an air filter to be \$4. Also, affected businesses must pay an employee to clean and/or replace the air filter. (Total costs per facility would depend on the number of air filters in each facility.) Also, DOH assumes most transient accommodations already clean and replace air filters on a regular schedule and therefore that the proposed rule will not significantly affect most businesses.

The proposed rule will ensure the air quality in transient accommodations remains at an acceptable level. Without proper cleaning and replacement of air filters, air quality could

deteriorate and pose a serious health hazard to guests. The benefit of the proposed rule outweighs the associated costs.

*8. Storing and Providing Additional Lighting (WAC 246-360-130 (2))*

Description: The current rule requires licensees to maintain light intensities adequate for safety. Under the proposed rule, the licensee is required to provide additional light for tasks or general illumination upon request from a transient accommodation guest.

Analysis: The cost to affected industries is the potential purchase of additional lighting items. DOH assumes most transient accommodations have sufficient lighting supplies of each item; however, no current rule requires each accommodation to make available adequate supplies.

The proposed rule ensures that additional lighting will be available for guests in the event that they may require such a service. Adequate lighting maintains and protects the safety and health of lodging guests. These benefits outweigh the potential cost of purchasing additional lighting.

*9. Providing Emergency Lighting (WAC 246-360-130 (3))*

Description: Transient accommodations have no requirement to provide emergency lighting. Under the proposed rule, the licensee must provide emergency lighting in the event of a power outage.

Analysis: The associated costs are the time and resources to install emergency lighting in the transient accommodation. Emergency lighting is dependent on the size of the facility. A smaller facility will require flashlights, while a larger facility will require a battery pack emergency lighting system. However, most transient accommodations already have an emergency lighting system and thus the rule amendment will not affect most transient accommodations. For example, a larger transient accommodation would already have emergency lighting installed as part of safety requirements for the local Certificate of Occupancy.

The benefit of having emergency lighting is the protection of safety for members of the public using transient accommodations. The safety and health of guests is at risk without proper lighting. This benefit outweighs the costs associated with providing emergency lighting.

*10. Cleaning Blankets, Bedspreads, and Mattress Pads (WAC 246-360-150 (6))*

Description: The current rule requires the licensee to provide clean blankets, bedspreads, and mattress pads as needed. Under the proposed rule, the licensee must ensure that these items are cleaned regularly or more often when visibly soiled. The proposed rule change seeks to ensure a regular schedule for cleaning the mentioned items.

Analysis: Transient accommodations that already have a schedule will not incur additional costs as a result of the proposed rule. However, if a facility does not have an established cleaning schedule, the facility will most likely have to increase the frequency of cleaning the mentioned items and incur costs of labor, electricity, and cleaning supplies. These costs will vary depending on the size of the facility and the frequency of cleaning. We consider as examples a small 4-unit facility and a large 50-unit facility, both of which decide to clean blankets, bedspreads, and mattress pads once a month plus 20% in additional “as needed” cleanings each month.

For both facilities, the associated costs are the cleaning costs and the housekeeper’s time in stripping and remaking the beds and transporting the dirty linens for laundry; there are also likely to be costs incurred because of a need to purchase additional bedding. Based on phone conversations with national laundry and linen companies, DOH estimates cleaning costs of \$7.50 and purchase costs of \$85 for each set of bedspread, blanket, and mattress pad. DOH also estimates one hour of labor per set, plus supervisory labor. For labor costs we use the following information provided by the Washington State Hotel and Laundry Association: the median hourly rate for a transient accommodations manager is \$35; for an Executive Housekeeper, \$17; and for a Housekeeper, \$12.

For the small facility with 4 units, monthly cleaning (regular plus as-needed) totals five sets. At \$7.50 per set, washing costs total \$37.50; at \$35 per set for labor costs by a manager, labor costs total \$175. Monthly cleaning costs therefore total \$212.50. We also estimate that the facility will need to purchase one additional set on an as-needed basis at a cost of \$85.

For a large facility with 50 units, monthly cleaning (regular plus as-needed) totals 60 sets. At \$7.50 per set, washing costs total \$450; at \$12 per set for labor costs by a Housekeeper, cleaning labor costs total \$720; oversight by an Executive Housekeeper (estimated at 1 hour per week) and by a Manager (estimated at 1 hour per month) add costs of \$103. Monthly cleaning costs therefore total \$1,273. We also estimate that the facility will need to purchase 10 additional sets on an as-needed basis at a cost of \$850.

A regular cleaning schedule for blankets, bedspreads and mattress pads protects the public using these items in transient accommodations from potential public health dangers associated with dirty blankets, bedspreads, and mattress pads. These dangers include spreading bedbugs, body lice, and, under certain conditions, hepatitis and similar diseases. The rule better protects the public from these possible health dangers. The qualitative benefits of the proposed rule outweigh the associated costs.

#### *11. Eliminating Environmental Health and Safety Hazards (WAC 246-360-200 (3))*

Description: The proposed rule clarifies the responsibility of transient accommodation licensees to eliminate all known environmental health and safety hazards. The Department of Ecology and local health departments currently require licensees to comply with this rule; however, no language in transient accommodation rules clarifies licensee responsibility.



Analysis: There are no associated costs to adopt the proposed rule because affected businesses currently must conform to the same rule from the Department of Ecology and local health departments. For reference, a DOH survey found the cost to clean up a methamphetamine lab is approximately \$6,500 per 1,200 square feet. The transient accommodation must also pay \$1,200 for a follow-up inspection/clean up to ensure that the grounds are completely decontaminated.

Benefits are increased clarification regarding rules that require the elimination of all known environmental health and safety hazards that could potentially risk the safety and health of members of the public using transient accommodations.

## *12. Suitable Locking Security Devices (WAC 246-360-200 (4))*

Description: Under the proposed rule, licensees would be required to equip each door providing access to a lodging unit with a suitable locking security device that complies with applicable building and fire codes. Currently, no rule requires such action.

Analysis: The associated costs are the purchasing of suitable locking devices and the labor to equip each door providing access to a lodging unit with the locking device. A DOH survey found a suitable locking device to cost \$12. The labor to install the locking device is estimated to be one hour of labor at \$25 an hour, yielding a total cost of \$37 per door. Most affected businesses, however, currently comply with the proposed rule and will therefore not incur any additional costs as a result of the rule. For facilities without appropriate locking devices, total costs depend on the number of doors in each facility. Replacement costs for a small 4-unit facility would be approximately \$148 while costs in a large 50-unit facility would be approximately \$1,850.

The benefit of the rule change is enhanced protection for lodging guest. Proper locking devices will make certain lodging guests are able to protect themselves from potential hazards and emergencies outside of their lodging unit. Without such a locking device, the health and safety of these guests could be jeopardized. These benefits outweigh the costs of adopting the proposed rule.

## *13. Occupancy Level (WAC 246-360-090 (1))*

Description: Currently, licensee must provide lodging units with at least fifty square feet of total floor area (not counting areas with a ceiling height lower than five feet) for each guest. Under the proposed rule, licensees must provide lodging units with an occupancy level not to exceed the number of persons accommodated by the beds present, based on their intended maximum usage.

Analysis: This rule change is likely to provide additional flexibility for licensees. The occupancy level in a lodging unit will be determined by the size of the room, number and size of beds, and arrangement of beds. Some affected businesses may incur additional costs as a result of the proposed rule, but most are likely to gain from the added flexibility created by the proposed rule.

#### *14. Adequate Spacing Between Beds (WAC 246-360-090 (2) and WAC 246-360-150 (3))*

Description: Currently, WAC 246-360-090 (1) states that licensees must allow easy movement between beds, cots, mats, or mattresses. Also, WAC 246-360-150 (3) currently states that licensees must assure that bunk beds, if used, have a clear vertical space of at least twenty-seven inches between the bottom and top bunk. Under the proposed rules, WAC 246-360-090 (2) would require licensees to provide a clear path of egress from one side of each bed, cot, mat or mattress. WAC 246-360-090(2) would require the licensee to provide lodging units with an aisle at least thirty-six inches wide from one side of each bed that is part of the regular furnishings of the unit; an aisle at least eighteen inches wide from one side of each temporary bed, other than an infant's crib, that is no more than thirty-eight inches high; and an aisle at least twenty-eight inches wide from one side of each temporary infant's crib and each temporary bed above a height of thirty-eight inches. The aisle width is required by the National Fire Protection Association Life Safety Code, which is adopted as a Fire Safety Standard (WAC 212-12-010(3)) for transient accommodations. Also, under the proposed rule, WAC 246-360-150 (3) would require a licensee to ensure that bunk beds have sufficient unobstructed vertical space so that an adult may sit up comfortably between the bottom and top bunk, or between the top bunk and ceiling.

Analysis: DOH does not anticipate that affected businesses will have additional costs as a result of this rule change. The aisle width is already required by the fire safety standards of the State Fire Marshal's Office. The bunk bed height requirement is typically met by existing room heights and by manufacturers' designs for bunk beds. The benefit of the proposed rule change is to help ensure that guests have sufficient spacing between beds.

#### *15. Connecting Emergency Services (WAC 246-360-090 (5))*

Description: Under the proposed rule, phones or other reliable communication devices, if provided to lodging units, must be capable of allowing communication to police, fire department, paramedic, poison control, hazardous material team, or other local emergency responder and connected without delay. No current rule describes such a requirement.

Analysis: DOH does not anticipate any additional costs as a result of this rule change because we are not aware of any phones currently in use that are not connected to emergency services. The benefit of the proposed rule is to ensure that guests with phones in their units have timely access to emergency services.

#### *16. Cleaning Ice Machines (WAC 246-360-160 (3)(a))*

Description: The current rule requires the licensee to store and dispense ice in a sanitary manner, including cleaning and sanitizing ice machines twice a year or more often as needed. Under the proposed rule, licensees must clean and sanitize ice machines at least twice a year or more often as needed or in accordance with the manufacturer's instructions.

Analysis: There are zero costs to adopt the proposed rule. The proposed rule provides another option for cleaning and sanitizing ice machines. There is minimal public health danger from cleaning and sanitizing ice machines in compliance with industry manufacturer's instructions, and the extra option will reduce costs for facilities.

*17. Washing, Sanitizing, and Drying Laundry (WAC 246-360-180 (1)(b))*

Description: Under the proposed rule, the licensee must provide clean and sanitary bedding, linens, towels, washcloths, and other items intended for guest use by using a commercial laundry service, or by washing and sanitizing laundry in accordance with the washer manufacturer's recommendations and detergent and sanitizer instructions, and drying laundry in accordance with the dryer manufacturer's instructions when using a dryer. The current rule allows licensees to use a commercial laundry service or other laundry service meeting the requirements in WAC 246-360-040 or WAC 246-360-180. Also, there is no mention of drying laundry in current rules.

Analysis: There are zero costs to adopt the proposed rule. The proposed rule change clarifies current means to clean, sanitize, and dry laundry; it also provides licensees with another option. There is minimal public health danger to provide this option; instead, it increases compliance with current universal standards, clarifies the responsibilities of licensees when drying laundry, and reduces costs for facilities.

*18. Cleaning Dryer Lint Screens (WAC 246-360-180 (2))*

Description: Under the proposed rule, licensees must ensure lint screens on on-site dryers are cleaned daily during normal operation or as needed. No current rule in this section requires licensees to clean lint screens.

Analysis: Some transient accommodation may already clean the dryer lint screen a daily or as needed basis and will not incur additional costs as a result of the proposed rule.

However, if a facility does not have an established dryer lint screen cleaning schedule, the facility will most likely will incur costs of labor for the housekeeper/laundry person to clean the screen(s). These costs will vary depending on the size of the facility and the frequency of cleaning. We consider as examples a small 4-unit facility and a large 50-unit facility. The four-unit facility has two non-commercial dryers and the 50-unit transient accommodation has two commercial dryers, both of which decide to clean the screen after each load. It is assumed that the capacity of a commercial dryer is that of 2 non-commercial dryer loads. The median hourly rate for a transient accommodations housekeeper is \$12 (personal conversation with Washington State Hotel and Lodging Association).

A conservative estimate of the costs would be as follows: The 4-unit facility washes and dries four loads per day. It takes 5 minutes to clean each lint screen, so time costs would total 20 minutes per day or 10 hours per month; at \$12 per hour, the monthly cost would be \$120. The

50-unit facility washes and dries 25 loads per day, so at 5 minutes per load time costs would be 125 minutes per day or 62.5 hours per month; at \$12 per hour, the monthly cost would be \$750.

The benefit of the proposed rule is that regularly cleaning the dryer lint screen is a good fire safety practice. One recent report states that “During 1999, nationwide there were 500 fires involving the dryer with 32 civilian injuries and \$2.4 million in direct property damage. The top three fire causes were cooking equipment; appliances, tools or air conditioning; and intentional. Dryers were the most commonly involved appliance” (National Fire Protection Association Document Selections from the U.S. Fire Problem Overview Report, Leading Causes and Other Patterns and Trends, Hotel and Motels, June 2003). The quantitative and qualitative benefits associated with avoiding such fires outweigh the costs associated with this rule change.

#### *19. Availability of Current Recreational Permit (WAC 246-360-200 (5))*

Description: Under the proposed rule, if spas, pools, and/or hot tubs are provided, licensees must have available for review a copy of a current recreational water permit issued by the local health jurisdiction. No current rule discusses this requirement.

Analysis: There are no associated costs to adopt the proposed rule. The proposed rule only clarifies the responsibility of the licensee when spas, pools, and/or hot tubs are provided. Increased clarification ensures that all affected parties are aware of transient accommodation recreational water permit status.

#### *20. Adequate Light Intensities (WAC 246-360-130 (1))*

Description: The current rule requires licensees to maintain specific light intensities adequate for safety and facility maintenance with minimum specific light intensities measured at a height of three feet above the floor. Under the proposed rule, specific lighting intensities are deleted and replaced with a performance-based rule whereby licensees must maintain lighting intensities adequate for safety.

Analysis: Making the rule performance-based is likely to reduce lighting costs for affected businesses and clarify licensee responsibilities regarding the provision of adequate lighting in transient accommodation facilities. Guests are also likely to benefit because they can request additional lighting. Whatever costs are associated with this possibility are likely to be outweighed by the cost-reducing elements of the proposed rule.

#### *21. Paying Fines (WAC 246-360-035 (2)(e))*

Description: Under the proposed rule, the Department may deny, suspend, or revoke a transient accommodation license, or assess a civil fine, if the Department finds the applicant, licensee, its agents, officers, directors, or any person with any interest therein fails to pay a fine within thirty days after the assessment becomes final or as agreed to by the Department and licensee. The

current rule allows the Department to carry out the above action if the fine is not paid within ten days.

Analysis: There are no costs to adopt the proposed rule because the change allows licensees more time to pay a fine. Increasing the amount of time to pay a fine complies with the standard way of doing business in the Department.

## *22. Addressing Deficiencies (WAC 246-360-035 (3))*

Description: Under the proposed rule, the Department may address deficiencies that do not meet licensure requirements in one of three ways: (1) a plan of correction where the Department determines the deficiencies are not major, broadly systemic, or of recurring nature; (2) a directed plan of correction as an alternative to administrative action, where the Department finds deficiencies are broadly systemic, recurring, or of a significant threat to public health and safety; or (3) administrative action initiated under chapter 34.05 RCW. No current rule describes how the Department will address such deficiencies.

Analysis: There are no costs to adopt the proposed rule because the proposed rule clarifies the current practice of the Department. The language in the rule change adopts the Departmental policies on addressing transient accommodation deficiencies. Members of the public using transient accommodations benefit because the proposed rule allows the Department to address deficiencies that could potentially risk the safety of lodging guests.

## *23. Collecting Refuse (WAC 246-360-070 (3)(b))*

Description: Under the proposed rule, licensees must collect refuse from lodging units at least every three days or more often as necessary to maintain a clean and sanitary environment in each guest's room. The current rule requires licensees to collect refuse in lodging units twice a week when guests stay longer than three days.

Analysis: The costs to adopt the proposed rule are the time to collect the refuse and the resources to safely store refuse. Currently, most transient accommodations collect refuse from lodging units at least every three days or more often as necessary; these facilities would not incur any costs as a result of the proposed rule. Facilities that follow the current rule will have to increase their collection of refuse and will incur labor and storage costs. These costs are likely to be proportional to the size of the facility.

The benefit resulting from the rule is that guest rooms will be clean, with refuse routinely removed to maintain clean and sanitary environment. Since refuse attracts insects and mice, an increase in refuse collection from lodging units better maintains a clean and sanitary environment for the protection of public health. The phrase "more often as necessary" ensures that lodging guests can maintain a clean and sanitary environment in the event that three days is not frequent enough for refuse collection. These benefits outweigh the cost of adopting the proposed rule.

**D. Determine, after considering alternative versions of the rule, that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives stated previously.**

DOH staff worked closely with constituents and the public to minimize the burden of this rule. When the rulemaking began, all licensees and stakeholders were notified that the rules were being reviewed and they were invited to participate in a rulemaking roundtable. The roundtable included participants from the Hotel and Lodging Association, bed and breakfast establishments, and other transient accommodations. Three roundtable meetings were held: two in Kent and one at the Public Health Lab in Seattle. Eastern Washington stakeholders and licensees were able to attend meetings held in Moses Lake or Kent.

In the course of these and other efforts, the following alternative versions of the rule were rejected:

*Alternative version for proposed rule change to WAC 246-360-150 (6):* A licensee providing beds shall provide clean spreads, blankets, and mattress pads after each guest.

Compared to this alternative version, the proposed rule (which requires cleaning on a regular basis or when visibly soiled) is less burdensome for those required to comply with it because affected businesses will not need to clean spreads, blankets, and mattress pads after each guest unless they are visibly spoiled.

In the early rule drafting stage, a proposal was sent to the workgroup that would have required bedding to be cleaned after each guest. Several members sent letters saying this language would have a tremendous cost on the licensees in the form of labor, electricity, gas, laundry supplies, and additional bedding. The Department acknowledged these associated costs, yet recognized the public health need for regular cleaning of the bedding. The proposed rule is less burdensome because it ensures the cleanliness of bedding without requiring licensees to clean bedding after each guest.

*Alternative version for proposed rule change to WAC 246-360-180 (1)(b):* Licensees may only dry laundry in accordance with the washer and dryer manufacturers' recommendations.

A stakeholder suggested that air-drying be allowed for energy conservation reasons. The proposed rule change reflects this suggestion, which is less burdensome on licensees because it gives them additional options for drying laundry.

**E. Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.**

The rule does not require those to whom it applies to take an action that violates requirements of federal or state law.

**F. Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.**

The rule does not impose more stringent performance requirements on private entities than on public entities.

**G. Determine if the rule differs from any federal regulations or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by an explicit state statute or by substantial evidence that the difference is necessary.**

The rule does not differ from any applicable federal regulation or statute.

**H. Demonstrate that the rule has been coordinated, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.**

There are no other applicable laws.